

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

LIFE VAC LLC,

Plaintiff,

v.

Case No.: 1:23-cv-02013

THE INDIVIDUALS, CORPORATIONS,  
LIMITED LIABILITY COMPANIES,  
PARTNERSHIPS, AND  
UNINCORPORATED ASSOCIATIONS  
IDENTIFIED ON SCHEDULE A TO THE  
COMPLAINT,

Defendants.

**PLAINTIFF’S MOTION TO EXCEED PAGE LIMITATION  
(APPLICATION FOR ENTRY OF A TEMPORARY RESTRAINING ORDER)**

Plaintiff Life Vac LLC (“Plaintiff”), respectfully moves for an order granting Plaintiff permission to file a memorandum of law in support of Plaintiffs’ *ex parte* application (the “Application”) for entry of a Temporary Restraining Order (“TRO”) in excess of the page limitations set by the Court.

As part of the Application, Plaintiff seeks the following relief:

- (1) a temporary restraining order against defendants (as described in **Schedule A** attached to the Complaint (“Defendants”), which shall also be attached hereto), enjoining Defendants from the manufacture, importation, distribution, offering for sale, and sale of counterfeit products (the “Counterfeit Products”) bearing, using, or infringing upon Plaintiff’s LIFEVAC copyrights, which are covered by U.S. Copyright Office Registration Nos. VA 2-332-974, VAu 1-489-169, VAu 1-489-170, VA 2-335-339, and VA 2-335-352 (the “LIFEVAC Copyrights”); and the LIFEVAC trademarks, which are covered by U.S. Trademark Registration No. 6,735,265 (the “LIFEVAC Trademarks”);
- (2) a temporary transfer of control over Defendants’ online marketplace websites (hereinafter the “Defendant Internet Stores,” as also identified on Schedule A to the Complaint, which shall also be attached hereto), to Plaintiff;

- (3) a temporary restraint of certain of Defendants' assets, described below, to preserve Plaintiff's right to an equitable accounting;
- (4) expedited discovery allowing Plaintiff to inspect and copy Defendants' records relating to the manufacture, distribution, offering for sale, and sale of Counterfeit Products, as well as of Defendants' financial accounts;
- (5) permission to effectuate service by electronic mail and electronic publication; and
- (6) ordering Defendants to show cause why a preliminary injunction should not issue on the return date of the Application.

As a result, Plaintiff's Application must address each of these six (6) distinct issues, each of which must be decided simultaneously. Plaintiff's brief contains necessary substantive content relevant to each issue that should be considered. Because each Judge in the Southern District of New York is allowed to set the page limitations for a memorandum of law, and Plaintiff is filing its Application prior to the case being assigned a Judge, Plaintiff is unable to determine whether its memorandum will exceed the limit set by the Judge once the case is assigned. Plaintiff, therefore, respectfully requests that, to the extent its brief exceeds the assigned Judge's page limitations, that Plaintiff nevertheless be granted leave to file a brief in the same form as was filed contemporaneously with this motion.

Dated: March 9, 2023

Respectfully submitted,

THOITS LAW

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